

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

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|----------------------------------|---|------------------------------|
| OTIS MAYS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-21-877-G |
| |) | |
| GRADY COUNTY JAIL et al., |) | |
| |) | |
| Defendants. |) | |

ORDER

Plaintiff Otis Mays, a federal prisoner appearing pro se, filed an Amended Complaint (Doc. No. 32) alleging deprivations of his constitutional rights against multiple defendants. In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Gary M. Purcell for initial proceedings.

On March 3, 2022, certain of Plaintiff's claims were dismissed on screening. *See* Order of Mar. 3, 2022 (Doc. No. 38). Judge Purcell then ordered Plaintiff to complete service upon the remaining defendants. *See* Order Requiring Service and Special Report (Doc. No. 39). When Plaintiff failed to submit the required service papers and to keep his contact information updated with the Court, Judge Purcell ordered Plaintiff to show cause why this matter should not be dismissed. *See* Order to Show Cause (Doc. No. 44). After Plaintiff failed to respond, Judge Purcell entered the Second Supplemental Report and Recommendation ("R. & R.") (Doc. No. 47).

In the R. & R., Judge Purcell recommended that this matter be dismissed due to Plaintiff's failure to comply with the Court's orders, to keep his contact information up to

date, and to otherwise prosecute his lawsuit. *See id.* at 1-4. In the R. & R., Judge Purcell advised the parties of their right to object by May 2, 2022. Judge Purcell also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the R. & R. *See id.* at 4.

As of this date, no party has filed a written objection to the R. & R. Plaintiff has, however, submitted a notice of change of address, as well as two letters to the Court. *See* Doc. Nos. 49, 50, 51. In his letters, Plaintiff represents that he has been unable to receive copies of the Court's orders and to comply with those orders due to repeated transfers between prison facilities. Plaintiff also requests that the necessary service papers and other items be re-sent to him at his current address. *See* Doc. Nos. 50, 51.

Liberally construed, the Court finds that Plaintiff has shown a good-faith attempt to comply with the Court's orders and to prosecute this matter. The Court therefore will re-refer this action to allow Plaintiff one additional opportunity to complete service and to otherwise proceed with accordance with the applicable Federal and Local Civil Rules.

CONCLUSION

Accordingly, the reasoning of the Second Supplemental Report and Recommendation (Doc. No. 47) is ADOPTED. The Court declines to dismiss this matter at this time.

This matter is re-referred to Judge Purcell in accordance with the initial order of referral.

IT IS SO ORDERED this 21st day of June, 2022.



CHARLES B. GOODWIN
United States District Judge